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EARLE JENNINGS 8 KENYON AVE KENSINGTON, CA 94708			GEDRICH, SARAH R	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/607,617	RIPPINGALE ET AL.	
	Examiner	Art Unit	
	Sarah R. Gedrich	3625	<i>My</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-94 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-94 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claim numbering is objected to under 37 CFR 1.75 (f) that requires consecutive numbering of claims. Applicant failed to consecutively number claims when the numeral 6 was omitted.

Claim Objections

2. Claims 8, 17-20, 25, 27, 34-35, 38-39, 55, 60-61, 65, 67, 69, 71, 73-74, 78, 89, 92, and 94 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 8, 17-20, 25, 27, 34-35, 38-39, 55, 60-61, 65, 67, 69, 71, 73-74, 89, 92, and 94 are product-by-process claims and do not pass the infringement test.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5, 7-8, 12-14, 17-18, 21-23, 25-26, 35, 37, 40-43, 47, 53, 56, 59, 62-66, 69-70, 77, 79, 83-87, and 93 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 and 56 are rejected as being indefinite. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph.

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- Claim 1 recites "a method for transacting business" and a "web view."
- Claim 56 recites "a method processing a business transaction" and a "web view."

Appropriate corrections are required. Applicant should clearly define each claim to remove the ambiguity of whether it is a method or apparatus.

6. Claims 1-2, 8, 12-14, 17-18, 21-23, 25-26, 35, 37, 40, 42-43, 47, 53, 59, 62-66, 69-70, 79, 84-87, and 93 are rejected due to lack of antecedent basis recited in the limitations. Some examples are:

- Claim 1 recites the limitation "said first server" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.
- Claims 2, and 8 recite the limitation "member of the collection" in line 1 of each claim. There is insufficient antecedent basis for this limitation in the claim.
- Claim 17 recites the limitation "purchase fee" in line 1. There is insufficient antecedent basis for this limitation in the claim.
- Claim 18 recites the limitation "purchase revenue" and "financial action" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Appropriate corrections are required. Applicant is encouraged to review the claims in their entirety and make corrections where needed.

7. Claims 3-5, and 7 are rejected as being indefinite. The above claims recite limitations of "said first server" which do not distinctly show how the "method" of claim 2 is affected. Appropriate corrections are required.

8. Claim 57 is rejected as being indefinite. The above claim recites limitations of "said first server" which do not distinctly show how the "method" of claim 56 is affected. Appropriate corrections are required.

9. Claims 42-43 and 84-86 are rejected as being indefinite. The above claims recite limitations of "the apparatus."

- Claims 42-43 do not distinctly show how the "method" of claim 1 is affected.
- Claims 84-86 do not distinctly show how the "method" of claim 56 is affected.

Appropriate corrections are required.

10. Claims 41-42 and 83-84 are rejected as being indefinite. The claims recite "said steps comprising said method."

It is unclear whether "said steps" referred to in claims 41-42 refer to the method comprising the steps of claim 1 or the "program steps" of claim 41. Also, it is unclear whether "said steps" referred to in claims 83-84 refer to the method comprising the steps of claim 56 or the "program steps" of claim 83.

Applicant should clearly define each set of steps by consistently referring to "method steps" and "program steps" throughout the application.

11. Applicant is encouraged to review all claims in their entirety and make corrections where needed.

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-94 are rejected under 35 U.S.C. 101.

Claims 1, 9, 16, 23, 29, 36, 56, 58, 64, 68, and 70 are rejected under 35 U.S.C. 101 because the claims are directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only.

All additional claims are rejected based on their dependency.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. **Claims 1-5, 7, 9-10, 21-22, 40-46, 48, 50, 52-54, 56-59, 62, 72, 75-76, 80, 82-88, and 90 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark et al. Patent Application Publication US 2002/0143662 (hereinafter referred to as "Clark").**

15. **Referring to claim 1.** Clark discloses a method and apparatus for providing a single screen interactive display to facilitate a purchase over the Internet. Clark further discloses:

- **First server interacting with a client via a client interface:** a client that is a user computer system subject to the control of an operator. The system includes a communication link, a network cloud, communication link, and a service center (Clark: paragraph 0019).

- First server providing a web view to client interface: the program causes the server to transmit control structures and data to the client to enable the client to control a display for an ASP page (Clark: paragraph 0025).
- Client interface presenting to client a transaction as a corresponding item presentation in terms of a transaction detail: client receives data defining the offered items and shows items in a price list area of the screen (Clark: paragraph 0029).
- Client interface developing transaction detail for transaction based on item presentation and based on client cue: operator effects single-screen shopping by responding to prompts to prepare and edit purchase order for at least one item (Clark: paragraph 0021).
- Client interface using a navigation activator based on a client cue: shopping cart frame includes a "Restore" icon, "Clear" icon, "Update" icon, and "Checkout" icon (Clark: paragraph 0039).
- Getting transaction from client interface to a second server via first server:
Service center includes one or more servers that are coupled together.
Databases may be located on a dedicated server (e.g., **162₂**) (Clark: paragraph 0020). The "Update" icon stores (or posts) a user's current settings including the products/items added to the shopping cart frame to a database on the seller's website (Clark: paragraph 0039).

- Requesting web navigation: the server interactively prompts the client to either edit the purchase order being prepared or transmit it to the server (Clark: paragraph 0030).

16. Referring to claim 2. Clark further discloses:

- Retrieving part of web view from storage system: each server includes a processor, memory, communication circuitry, and software running thereon (Clark: paragraph 0020).
- Generating web view based on client cue: a user “selects” or “clicks” on a product, using a keyboard or mouse, transmitting a request to the server that obtains a list of products and information from the database (Clark: paragraph 0034).
- Receiving part of web view from a database system: server obtains a list of products and information from the database (Clark: paragraph 0034).

17. Referring to claim 3. Clark further discloses:

- First server distinct from storage system or database: the databases may be located on a dedicated server or on different servers (Clark: paragraph 0020).

18. Referring to claim 4. Clark further discloses:

- First server includes a storage system or a database: each server includes memory (Clark: paragraph 0020).

19. Referring to claim 5. Clark further discloses:

- First server coupled to storage system or database: service center includes one or more servers coupled to each other. That databases maybe located on a dedicated server (Clark: paragraph 0020).
20. **Referring to claim 7.** Clark further discloses:
- First server is the same as second server: service center includes one or more servers (Clark: paragraph 0020).
21. **Referring to claim 9.** Clark further discloses:
- A transaction that includes a purchase involving a quantity of an item: next to each product displayed in the price-list frame is a product description, a price field, and an “Add” icon in the form of a command button for adding a unit of the product to a shopping cart (Clark: paragraph 0034). A user can increase the quantity of a product by selecting the “Add” icon or “click” on the quantity box and change the number using the keyboard (Clark: paragraph 0038).
 - Second server maintaining shopping cart: the shopping cart frame is stored or posted on the seller’s website database (Clark: paragraph 0039).
 - Second server developing shopping item: user may add or delete products to the shopping cart (Clark: paragraph 0039).
22. **Referring to claim 10.** Clark further discloses:
- Create a purchase designation: “Add” icon in the form of a command button for adding a unit of the product to the shopping cart (Clark: paragraph 0034). The “Checkout” icon allows the user to purchase items added to the shopping cart frame (Clark: paragraph 0039).

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- Create an item code: entering a product number to add a product to the shopping cart (Clark: paragraph 0036).
 - Create a quantity code: a quantity box for specifying quantity (Clark: paragraph 0036).
23. **Referring to claim 21.** Clark further discloses:
- A second server computer controlled by a program: one or more servers, each including a processor, memory, communication link, and software running thereon (Clark: paragraph 0020).
24. **Referring to claim 22.** Clark further discloses:
- Requesting previously viewed web view, reloading a web view, new web view, and altering a web view: setting can be retrieved using "Restore" icon, and "Clear" icon clears all items added to shopping cart frame (Clark: paragraph 0039). By selecting a product item, the user may view a picture or obtain a longer narrative in a second frame (Clark: paragraph 0040).
25. **Referring to claim 40.** Clark further discloses:
- Steps implemented using a script language: Appendix A contains a listing of portions of the control structures and data transmitted from the server to a client in accordance with a representative example of operation (Clark: paragraph 0053). Appendix A shows the control structures and data are transmitted using "JAVASCRIPT" (Clark: Appendix A).
26. **Referring to claim 41.** Clark further discloses:

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- First server includes a computer executing a program that resides in memory:
each server includes a processor, memory, a communication link, and software running thereon (Clark: paragraph 0020).
 - Program steps implement a method steps: server includes one or more application programs (Clark: paragraph 0020). The program causes the server to transmit control structures and data to client (Clark: paragraph 0025).
27. **Referring to claims 42 and 43.** Claims are rejected on the same rationale as set forth above in claim 41.
28. **Referring to claim 44.** Clark further discloses:
- Client interface presenting second transaction as second item presentation: the display includes a price-list frame that provides for showing offered items as a list of products (Clark: paragraph 0034).
 - Client interface developing transaction detail for second transaction based on client cue: In the exemplary display seven items are added to the shopping cart frame. Next to each item are a product description, quantity, price, total, and a delete icon (Clark: paragraph 0036).
29. **Referring to claim 45.** Claim 45 is rejected on the same rationale as set forth in claim 1.
30. **Referring to claim 46.** Clark further discloses:
- Item presentation being a visual, auditory, olfactory, tactile, taste, or virtual presentation: The display may include a frame where the user may view a

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picture and/or obtain a longer narrative by selecting the product in the price-list frame (Clark: paragraph 0040).

31. **Referring to claim 48.** Clark further discloses:

- At least one instance of a client cue: By using a keyboard or mouse, a user may “select” or “click” on a product (Clark: paragraph 0034).

32. **Referring to claim 50.** Clark further discloses:

- Web browser getting transaction detail to second server via first server: Loaded in the memory and launched by a user is a web browser program for accessing websites on the service center (Clark: paragraph 0047).

33. **Referring to claim 52.** Clark further discloses:

- Transaction detail is a data component accessible by a web browser: The client system includes a web browser program for accessing seller’s websites and viewing display (Clark: paragraph 0047). The application program causes the server to transmit data to the client to control the display for an ASP page (Clark: paragraph 0025).

34. **Referring to claim 53:** Clark further discloses:

- Data component comprises a memory, a file, a database, a cookie, a spreadsheet, a document, a folder, a directory, or an inferential graph: The server obtains a list of products and information from the catalogue database, and downloads the same to the client (Clark: paragraph 0034).

35. **Referring to claim 54.** Clark further discloses:

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- Web view generating item presentation for client interface presentation: the display provides for showing offered items (Clark: paragraph 0034).
 - Web view generating transaction detail development based on client cue: By using a keyboard or mouse, a user may “select” or “click” on a product (Clark: paragraph 0034).
 - Web view generating navigation activator: Shopping cart frame includes a “Restore” icon, “Clear” icon, “Update” icon, and a “Checkout” icon (Clark: paragraph 0039).
36. **Referring to claim 56.** Claim 56 is rejected on the same rationale as set forth above in claim 1.
37. **Referring to claim 57.** Claim 57 is rejected on the same rationale as set forth above in claim 7.
38. **Referring to claim 58.** Clark further discloses:
- A transaction that includes a purchase involving a quantity of an item: next to each product displayed in the price-list frame is a product description, a price field, and an “Add” icon in the form of a command button for adding a unit of the product to a shopping cart (Clark: paragraph 0034). A user can increase the quantity of a product by selecting the “Add” icon or “click” on the quantity box and change the number using the keyboard (Clark: paragraph 0038).
 - Second server maintaining shopping cart: the shopping cart frame is stored or posted on the seller’s website database (Clark: paragraph 0039).

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- Presenting price and creating a price code: A subtotal box provides for displaying the subtotal for all products added to the shopping cart frame (Clark: paragraph 0037).
 - Client cue providing a trigger for second server receiving a commitment to pay and first server creating a client commitment: The “Checkout” icon allows the user to purchase items added to the shopping cart frame (Clark: paragraph 0039).
39. **Referring to claim 59.** Clark further discloses:
- Presented price arriving at client interface or client interface providing a price indication: A subtotal box provides for displaying the subtotal for all products added to the shopping cart frame (Clark: paragraph 0037).
40. **Referring to claim 62.** Claim 62 is rejected on the same rationale as set forth above in claim 22
41. **Referring to claim 72.** Claim 72 is rejected on the same rationale as set forth above in claim 1.
42. **Referring to claim 75.** Claim 75 is rejected on the same rationale as set forth above in claims 44 and 45.
43. **Referring to claim 76.** Claim 76 is rejected on the same rationale as set forth above in claim 50.
44. **Referring to claim 80.** Clark further discloses:
- Web view getting transaction detail to second server via first server: Service center includes one or more servers that are coupled together. Databases may

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be located on a dedicated server (e.g., 162₂) (Clark: paragraph 0020). The "Update" icon stores (or posts) a user's current settings including the products/items added to the shopping cart frame on the display to a database on the seller's website (Clark: paragraph 0039).

45. **Referring to claim 82.** Claim 82 is rejected on the same rationale as set forth above in claims 52 and 53.

46. **Referring to claim 83.** Clark further discloses:

- **A Client interface that includes a computer executing a program that is stored on the memory:** The client system includes a processor that includes an Arithmetic Logic Unit for performing computations, a collection of registers for data and instruction storage, and a control unit for controlling operation (Clark: paragraph 0042). The client system further includes an operating system that is a set of one or more programs with control the systems operations (Clark: paragraph 0047).
- **A method step is implemented using a program step:** The operation system controls the computer system's operation including a web browser for accessing websites (Clark: paragraph 0047).

47. **Referring to claim 84.** Claim 84 is rejected based on the same rationale as set forth above in claim 83.

48. **Referring to claim 85.** Clark further discloses:

Client interface computer includes an instruction processor, an inferential engine, a neural network, or a finite state machine: The client system includes a processor that

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includes an Arithmetic Logic Unit for performing computations, a collection of registers for data and instruction storage, and a control unit for controlling operation (Clark: paragraph 0042).

49. **Referring to claim 86.** Clark further discloses:

- **Client memory including volatile or non-volatile memory:** The mass storage device may include a hard disk, solid state memory device, etc. The non-volatile memory may be ROM, or Flash memory (Clark: paragraph 0046).

50. **Referring to claim 87.** Claim 87 is rejected on the same rationale as set forth above in claim 40.

51. **Referring to claim 88.** Claim 88 is rejected on the same rationale as set forth above in claim 54.

52. **Referring to claim 90.** Clark further discloses:

- **Sending web view to first server:** operator transmits purchase order to server (Clark: paragraph 0030).

53. **Claims 51 and 81 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanai et al Patent Application Publication US 2003/0139976 (hereinafter referred to as "Hanai").**

54. **Referring to claim 51.** Hanai discloses an online merchandising system, online catalog presentation method, server, computer program product, and Computer data signal. Hanai discloses the client terminal accessing the online shopping site given by the shopping server (Hanai: paragraph 0180). The client requests the shopping server provides an item list page in accordance with a selected category (Hanai: paragraph

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0199). Each item column has buttons "Add to Cart," "Options," etc. to provide more information or to buy the product (Hanai: paragraph 0201). The user can "View Cart," "Continue Shopping," or "Order" the selected item. If the "Order" button is selected, the order is transmitted to the shopping server (Hanai: paragraph 0215). The sh[o]pping server collaborates with the shipping arrange server to carry out predetermined ordering tasks (Hanai: paragraph 0216). Hanai further discloses:

- Collecting a traffic item: The master server transmits information representing found relational items (Hanai: paragraph 0220).
- Integrating the traffic item into the transaction: The Quick Order page has check boxes corresponding to the shown relational items to allow the user to select relational items to buy with designating order quantities.

55. **Referring to claim 81.** Claim 81 is rejected on the same rationale as set forth above in claim 51.

56. **Claim 91 is rejected under 35 U.S.C. 102(b) as being anticipated by Moyer Patent Application Publication US 2003/0088483.**

57. **Referring to claim 91.** Moyer discloses a commerce client running on a consumer computer, which communicates directly with the web browser and a commerce server running on the merchant computer, which communicates directly with the web server (Moyer: paragraph 0071). The user selects a hyperlink associated with a primary product (Moyer: paragraph 0057). The product is added to the shopping cart in response to the selection of the add icon (Moyer: paragraph 0060). Moyer further discloses:

- Web developer creating source for implementing steps: With Java, developers can create robust User Interface components and custom widgets. Dynamic, real-time web pages are also created (Moyer: paragraph 0217).
- Web developer operating toolkit: ActiveX can also be used which includes tools for developing animation, embedding parts of the software in HTML pages (Moyer: paragraph 0217).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

58. Claims 23-24, 26, 28, 63-64, and 66 are rejected under 35 U.S.C. 102(e) as being anticipated by Hopson et al Patent Application Publication US 2004/0068443 (hereinafter referred to as "Hopson").

59. Referring to claim 23. Hopson discloses an online shopping system. The system includes a customer using a customer computer to access the server via the Internet connection. Further computers and servers protect the server. The server is connected to a store (Hopson: paragraph 0030). The system displays to the customer available service windows. The customer selects a window and proceeds to select items for purchase on the order (Hopson: paragraph 0032). Hopson further discloses:

- Event descriptor of event: Order types include event planning and catering services and service options include delivery, pick-up, and printing (Hopson:

paragraph 0049). If a customer selects the delivery service a screen is present that request the delivery address be entered (Hopson: paragraph 0050).

- Generating delivery/transport agreement: A checkout options allows the customer to view a display of the items and select coupons, payment method, and confirm delivery date, time, and location. A final confirmation of the order is present and the order is submitted (Hopson: paragraph 0058).

60. Referring to claim 24. Hopson further discloses:

- Transaction includes at least one participant: the customer indicates whether the customer is a business or residential client (Hopson: paragraph 0047).

61. Referring to claim 26. Hopson further discloses:

- Receiving revenue: the payment type, credit supplier, and other information associated with customer payment for the order is collected and confirmed in a known manner (Hopson: paragraph 0058).

62. Referring to claim 28. Hopson further discloses:

- Transport provider is essentially transport facilitator: All order information is downloaded to the driver computer from the store. The driver computer displays the first destination and possibly driving directions (Hopson: paragraph 0071). The driver unloads the order at the destination (Hopson: paragraph 0072). When the order is complete the driver proceeds to swipe the customer credit card, obtain a digital signature, and print a customer receipt (Hopson: paragraph 0074).

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63. **Referring to claims 63-64 and 66.** Claims 63 and 64 are rejected on the same rationale as set forth above in claims 23-24, 26, and 28.

Claim Rejections - 35 USC § 103

64. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

65. **Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Franklin et al. US Patent No. 6,125,352 (hereinafter referred to as "Franklin").**

66. **Referring to claim 11.** Clark discloses:

- **A second server establishing and presenting price to client and creating a price code:** A subtotal box provides for displaying the subtotal for all products added to the shopping cart frame (Clark: paragraph 0037).
- **A second server receives a commitment to pay:** The "Checkout" icon allows the user to purchase items added to the shopping cart frame (Clark: paragraph 0039).
- **A second server confirming a client commitment via a financial interface and creating a financial commitment:** The service center may be coupled to one or more verification entities directly or via network cloud for verification of credit information and for processing credit transactions (Clark: paragraph 0022).

Clark fails to disclose creating a purchase agreement and notifying a merchant of a purchase agreement. Franklin discloses:

- Creating a purchase agreement: The commerce client combines the payment source information with the information about the product to create a goods and services order (Franklin: Column 9, lines 45-50).
- Notifying a merchant: The goods and service order is encrypted and included as part of an HTTP POST message that is sent to the URL of the merchant (Franklin: Column 9, lines 50-52).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark to include creating a purchase agreement and notifying the merchant as taught by Franklin in order to allow the merchant to process the order and ship the product to the consumer's specified shipping address (Franklin: Column 9, lines 53-53).

67. Referring to claim 12. Clark further discloses:

- Using price indication to create presented price: Each product includes a price field that provides a price per unit of measure and a total field for providing the total price for a specific product (Clark: paragraph 0036).
- Presenting price for purchase to client: A subtotal box provides for displaying the subtotal for all products added to the shopping cart frame (Clark: paragraph 0037).

68. Referring to claim 13. Clark discloses the system discussed above. Clark fails to disclose a second server posting the purchase agreement in a task schedule for the merchant. Franklin discloses:

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- Second server posting purchase agreement: The order is sent to the merchant's order URL as part of an HTTP POST message (Franklin: Column 28, lines 16-19). After transmitting an order, the memory is updated for the respective merchant. Each merchant structure includes a reference pointer to a linked list of order structures (Franklin: Column 28, lines 22-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark to include the second server posting the purchase agreement for the merchant as taught by Franklin in order to allow the merchant to process the order (Franklin: Column 9, lines 53-53).

69. Referring to claim 14. Clark further discloses:

- Merchant partly owning, controlling, or managing second server or subscribing to be notified: Shopping cart is posted to a database on seller's website (Clark: paragraph 0039) and display includes header for displaying the name of the entity selling the products (Clark: paragraph 0041).

70. Referring to claim 15. Clark further discloses:

- Second server sending financial action to create a purchase revenue: The service center may be coupled to one or more verification entities directly or via network cloud for verification of credit information (Clark: paragraph 0022).
- Merchant receiving purchase revenue: The service center may be coupled to one or more verification entities directly or via network cloud for processing credit transactions (Clark: paragraph 0022).

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71. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Franklin as applied to claim 15 above, and further in view of Ito et al. Patent Application Publication US 2001/0047489 (hereinafter referred to as "Ito").

72. Referring to claim 16. The combination of Clark and Franklin discussed above further discloses:

- Server collection: service center includes one or more servers (Clark: paragraph 0020).

The combination fails to disclose a service provider administering at least one of the servers and receiving a server service fee. Ito discloses a transaction management system for online shopping. Ito further discloses:

- Service provider administering at least one of the servers and receiving a server service fee: the transaction management system function so that the carrier with whom the orderer made the contract collects fees of ordered articles together with a fee charged for the service provided by the carrier concerned (Ito: paragraph 0059).

It would have been obvious to one skilled in the art to further modify the combination of Clark and Franklin to include the service provider and fee as taught by Ito in order to configure a system with a low probability of a transaction in which the fee of the article can not be collected (Ito: paragraph 0019).

73. Claims 29-32 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Schrader et al US Patent No. 5,903,881 (herein after referred to as "Schrader").

74. Referring to claim 29. Clark discloses the system taught in claim 1. Clark fails to disclose the transaction including a financial request, the detail reflecting the amount, the second server sending a financial action to a financial institution, the institution providing a service, and the service reflecting the detail. Schrader discloses a personal online banking with integrated online statement and checkbook interface. Schrader further discloses:

- Transaction as a financial request and financial request as a deposit, withdrawal, or fee: A transaction instruction is a description of an action to be performed by a financial institution (Schrader: Column 8, lines 14-15). The description of the transaction instruction includes the type of action, such as bill payment, fund transfers, and information requests (Schrader: Column 8, lines 29-31).
- Transaction detail reflects the amount: Transaction instructions include a description and an amount (Schrader: Column 8, lines 27-28).
- Second server sending action to financial institution: Configuration file is downloaded from configuration server (Schrader: Column 15, lines 8-9). The file is used to connect to the financial institution computer system (Schrader: Column 15, lines 26-27). A user sends transaction instructions from the out box by clicking the send button that initiates the connection to the financial institution computer system (Schrader: Column 18, lines 46-50).

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- Institution provides service: The financial institution system receives the transaction instructions, decrypts the file, and performs the necessary actions (Schrader: Column 18, lines 58-61).
- The service is reflected in the detail: The online statement includes for each transaction a date the transaction was cleared, a type of transaction, a description, and an amount (Schrader: Column 10, 15-17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark to include the transaction including a financial request, the detail reflecting the amount, the second server sending a financial action to a financial institution, the institution providing a service, and the service reflecting the detail as taught by Schrader in order to integrate the key banking tasks and information requirements users need to perform a variety of useful banking activities (Schrader: Column 5, lines 62-64).

75. Referring to claim 30. Clark fails to disclose an account. Schrader further discloses:

- An account: The user enters account information that includes an account number, type, description, and the financial institution's routing number (Schrader: Column 15, lines 30-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark to include an account as taught by Schrader in order to allow the user to create transactions in the account (Schrader: Column 15, lines 45-46).

76. **Referring to claim 31.** Clark fails to disclose the second server sending the financial action via a financial interface to a financial institution. Schrader further discloses:

- **Second server sending action via financial interface to institution:** The financial institutes computer systems are conventional computer systems (Schrader: Column 13, 1-2) that include a processor, memory, a display, etc. (Schrader: Column 12, 35-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark to include the second server sending the financial action via a financial interface to a financial institution as taught by Schrader in order to the financial institution to process the instructions.

77. **Referring to claim 32.** Clark fails to disclose the account being provided by the detail in the transaction. Schrader further discloses:

- **The account provided by the detail in the transaction:** A user enters a new transaction instruction (Schrader: Column 15, lines 56-57). The user enters an account number and amount (Schrader: Column 15, lines 63-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark to include disclose the account being provided by the detail in the transaction as taught by Schrader in order to indicate the account from which the payment is to be made (Schrader: Column 16, lines 2-3).

78. **Referring to claim 68.** Claim 68 is rejected on the same rationale as set forth above in claims 29-32.

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79. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Schrader as applied to claims 29-32 above, and further in view of Judd Patent Application Publication US 2003/0233317.

80. Referring to claim 33. The combination of Clark and Schrader as discussed above shows the limitations in claims 29-32. The combination fails to disclose a financial institution receiving revenue based on service. Judd discloses a method and system for transferring funds. Judd further discloses:

- A financial institution receiving revenue based on service: A service charge may be applied to the sender account for the transfer so that an instruction is issued to debit the sender account by the sum of the transfer amount and service charge (Judd: paragraph 0037)

It would have been obvious to one skilled in the art to further modify the combination of Clark and Schrader to include a financial institution receiving revenue based on service as taught by Judd in order to generate revenue for the financial institution.

81. Claims 36-37 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Ausubel et al. Patent Application Publication US 2004/0054551 (hereinafter referred to as "Ausubel").

82. Referring to claim 36. Clark discloses the system above. Clark fails to disclose transaction detail includes trading action of a commodity for a quantity meeting a trading condition, trading actions included in a detail reflect a transaction, trading action is a buy-order or a sell-order, trading condition includes a maximum-price for a buy-order, trading condition includes a minimal-price for a sell-order, second server sending a

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trading commitment to a trading agent, trading agent generating a trade, and trading agent receiving a trading revenue. Ausubel discloses a system and method for a dynamic auction with package bidding. Ausubel further discloses:

- Transaction detail includes trading action of a commodity for a quantity meeting a trading condition: An auction process that includes initialized information such as, item in the auction, the minimum opening bids, list of bidders, list of constraints on bids, etc. (Ausubel: paragraph 0128).
- Trading actions included in a detail reflect a transaction: The auction may be an auction to buy, a procurement auction or a reverse auction (Ausubel: paragraph 0131). When the auction is final, the computer outputs the allocation of items among bidders, and the payments of bidders (Ausubel: paragraph 0133).
- Trading action is a buy- order or a sell-order: The auction may be an auction to buy, a procurement auction or a reverse auction (Ausubel: paragraph 0131).
- Trading condition includes a maximum-price for a buy-order: the flexible bid information may be an expression of item(s) a bidder is willing to purchase at a given price(s), how much money a bidder is will to pay for a purchase, etc. (Ausubel: paragraph 0117).
- Trading condition includes a minimal-price for a sell-order: An auction process that includes initialized information such as, item in the auction, the minimum opening bids, etc. (Ausubel: paragraph 0128).
- Second server sending a trading commitment to a trading agent: A proxy agent is a computer-implemented system that may submit bids on behalf of a bidder,

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based on flexible bid information, current auction information, etc. The inputs of the proxy agent may include flexible bid information (Ausubel: paragraph 0121).

- Trading agent generating a trade based upon said trading commitment: The outputs of the proxy agent may include bids (Ausubel: paragraph 0121).
- Trading agent receiving trading revenue: The auctioneer computer calculates provisional revenues and determines the finality of the auction (Ausubel: paragraph 0131).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark to include transaction detail includes trading action of a commodity for a quantity meeting a trading condition, trading actions included in a detail reflect a transaction, trading action is a buy- order or a sell-order, trading condition includes a maximum-price for a buy-order, trading condition includes a minimal-price for a sell-order, second server sending a trading commitment to a trading agent, trading agent generating a trade, and trading agent receiving a trading revenue as taught by Ausubel in order to allow items to be allocated to the bidders who value them the most and ensure a competitive price for the seller(s) (Ausubel: paragraph 0013).

83. Referring to claim 37. Clark fails to disclose a trading agent interacting with said second server that is owned, controlled, managed, or subscribed to by a trading firm, and the firm receiving a firm revenue. Ausubel further discloses:

- Trading agent interacting with said second server that is owned, controlled, managed, or subscribed to by a trading firm: the proxy system may be a subsystem of a larger computer-implemented auction system, or it may be a

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stand-alone, computer-implemented system that is capable of interacting with a computer-implemented auction system (Ausubel: paragraph 0121).

- Firm receiving a firm revenue: the auction computer stores the winning bids and revenues (Ausubel: paragraph 0131) and displays the information to the bidders and the auctioneer (Ausubel: paragraph 0133) where the auctioneer is a seller, buyer, or broker (Ausubel: paragraph 0028).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark to include a trading agent interacting with said second server that is owned, controlled, managed, or subscribed to by a trading firm, and the firm receiving a firm revenue as taught by Ausubel in order to ensure a competitive price for the seller(s) (Ausubel: paragraph 0013).

84. **Referring to claim 70.** Claim 70 is rejected on the same rationale as set forth above in claims 36-37.

85. **Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Mandarino et al. Patent Application Publication US 2003/061284.**

86. **Referring to claim 47.** Clark discloses the system above including:

- Visual item presentation being a two-dimensional, three-dimensional, or a moving-visual item presentation: The display may include a picture and/or narrative text of a product selected (Clark: paragraph 0040).

Clark fails to disclose a virtual presentation. Mandarino discloses methods, systems, and computer program products for conducting a virtual product presentation.

Mandarino further discloses:

- Virtual presentation including two item presentation types: The virtual product presentation application includes program code, logic, and graphics to implement a three-dimensional virtual product presentation in conjunction with the voice communications device (Mandarino: paragraph 0022).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark to include virtual presentation as taught by Mandarino, in order to allow a sales representative to guide the customers view of the product to a particular demonstration or interactive application (Mandarino: paragraph 0005).

87. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of “How Computers Work” by Ron White.

88. Referring to claim 49. Clark teaches the system above. Clark fails to teach pointing devices, hand motion events, and speech events. White teaches how computers and their peripherals work. White further teaches:

- Point devices: The mouse is not the only point device. The joystick used with games accomplishes the same task. Digitizing tablets are popular with artists and engineers. Touch screens use your finger or light pen to control software. The most successful pointing devices are “eraserhead” pointing devices, touch pads, and track balls (White: page 223, paragraph 3).
- Hand motion events: Gesture recognition – the capability of a PC to recognize characters or drawings created with a pencil-like stylus or the tip of your finger (White: page 257, paragraph 3).

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- Speech events: Voice recognition likely will wind up as the end-all, sci-fi way to enter information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include pointing devices, hand motion devices, and speech events in Clark as taught by White in order to allow for new ways to get information into computers (White: page 257, paragraph 1, line 2).

89. Claim 77 is rejected under 35 U.S.C. 103(a) as being obvious over Clark in view of Hausmann et al. Patent Application Publication US 2002/0165798 (here in after referred to as "Hausmann").

90. Referring to claim 77. Clark further discloses:

- A service provider providing web browser to client interface: The browser program may include Microsoft Internet Explorer, Netscape navigator, or other suitable program (Clark: paragraph 0047).

Clark fails to disclose a method of the service provider of the web browser receiving revenue. Hausmann discloses a method for charging for a service. Hausmann further discloses:

- Service provider receiving revenue: The access is subject to a cost (Hausmann: paragraph 0043).

It would have been obvious to one of ordinary skill in the art to include in Clark the service provider receiving revenue as taught by Hausmann in order to generate higher turnovers (Hausmann: Paragraph 0009).

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91. Claim 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Mandarino, and further in view of "How Computers Work" by Ron White.

92. Referring to claim 79. Clark further discloses:

- Item presentation being a visual, auditory, olfactory, tactile, taste, or virtual presentation: The display may include a frame where the user may view a picture and/or obtain a longer narrative by selecting the product in the price-list frame (Clark: paragraph 0040).
- Visual item presentation being a two-dimensional, three-dimensional, or a moving-visual item presentation: The display may include a picture and/or narrative text of a product selected (Clark: paragraph 0040).
- At least one instance of a client cue: By using a keyboard or mouse, a user may "select" or "click" on a product (Clark: paragraph 0034).

Clark fails to disclose a virtual presentation. Mandarino discloses methods, systems, and computer program products for conducting a virtual product presentation.

Mandarino further discloses:

- Virtual presentation including two item presentation types: The virtual product presentation application includes program code, logic, and graphics to implement a three-dimensional virtual product presentation in conjunction with the voice communications device (Mandarino: paragraph 0022).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark to include virtual presentation as taught by Mandarino, in order to allow

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a sales representative to guide the customers view of the product to a particular demonstration or interactive application (Mandarino: paragraph 0005).

The combination of Clark and Mandarino disclose the system above. The combination fails to teach pointing devices, hand motion events, and speech events.

White teaches how computers and their peripherals work. White further teaches:

- Point devices: The mouse is not the only point device. The joystick used with games accomplishes the same task. Digitizing tablets are popular with artists and engineers. Touch screens use your finger or light pen to control software. The most successful pointing devices are "eraserhead" pointing devices, touch pads, and track balls (White: page 223, paragraph 3).
- Hand motion events: Gesture recognition – the capability of a PC to recognize characters or drawings created with a pencil-like stylus or the tip of your finger (White: page 257, paragraph 3).
- Speech events: Voice recognition likely will wind up as the end-all, sci-fi way to enter information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the combination of Clark and Mandarino to include pointing devices, hand motion devices, and speech events as taught by White in order to allow for new ways to get information into computers (White: page 257, paragraph 1, line 2).

93. Claim 94 is rejected under 35 U.S.C. 103(a) as being obvious over Moyer in view of Hausmann.

94. **Referring to claim 94.** Moyer discloses the system above. Moyer fails to disclose the web developer receiving revenue. Hausmann further discloses:

- **Web developer receiving revenue:** Services include setting up an HTML page on the Internet (Hausmann: paragraph 0004). The use of services from a content provider is more likely to be charged based on data volume (Hausmann: paragraph 0032).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the web developer receiving revenue in Moyer as taught by Hausmann in order to pay for all the service provider's services (Hausmann: paragraph 0006).

Conclusion

95. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Patent Application Publication US 2002/0055878 – Methods and Apparatus for On-line Ordering
- Patent Application Publication US 2002/0004749 – Customized Food Selection, Ordering, and Distribution System and Method
- Patent Application Publication US 2002/0026363 – Method and System for Implementing Remote Independent Culinary Preparation Service
- Patent Application Publication US 2002/0178045 – Business Method of Providing a Channel for Delivering and Distributing Events Based on a Subscription Model for Service Providers to Enhance Sale Opportunities

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- Patent Application Publication US 2002/0120553 – System, Method, and Computer Program for a B2B Procurement Portal
- Patent Application Publication US 2004/0059637 – System and Method of Auction
- Patent Application Publication US2002/0013761 – Auction System and Method

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah R. Gedrich whose telephone number is (703) 306-5449. The examiner can normally be reached on M-F 7:30am - 5:00pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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SRG

Sarah R. Gedrich
Examiner
Art Unit 3625


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